

OBSERVATIONS

ON THE

C A S E

OF

Dr. D O D D.



L O N D O N,

Printed for J. BEW, in Pater-Noster-Row. 1777.

[Price One Shilling.]

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LONDON

Printed by J. Smith, at the ...

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~~and as it is not~~
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OBSERVATIONS,

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~~Convict addressed to his fellow-prisoners~~
~~in Newgate-chapel, is the following~~
~~page:—“One of the principal parts of~~
~~“national felicity arises from a just and~~
~~“impartial administration of justice.~~
~~“Every man rises upon the tribunals~~
~~“of his country the liberty of~~
~~“and the security of~~

THE cold hand of Death having
now finished the solemn work of Justice
upon the unfortunate Dr. Dodd; it is
presumed, the following animadversions
will not be ascribed to a want of sensibi-
lity, a deadness to the feelings of friend-
ship, or the malignity of prejudice. The
Divine himself cannot *now* be affected
by any thing terrestrial; and, it is hoped,
the too powerful bias of the personal
affection of his friends will soon give
place

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place to the influence of their impartial reason, and an unforced acquiescence in the late determination ensue;—a determination which may serve as a memento to the whole nation, that *mercy* is utterly excluded from ALL persons, without respect to rank or *interest*, who shall unhappily fall into the like predicament.

In the exhortation which the Rev. Convict addressed to his fellow-prisoners in Newgate-chapel, is the following passage:—“ One of the principal parts of
 “ national felicity arises from a wise and
 “ impartial administration of justice.
 “ Every man reposes upon the tribunals
 “ of his country the stability of possession, and the serenity of life. He,
 “ therefore, who unjustly exposes the
 “ courts of judicature to suspicion, either
 “ of partiality or error, not only does an
 “ injury to those who dispense the laws,
 “ but diminishes the public confidence
 “ in the laws themselves, and shakes the
 “ foundation of public tranquillity.”

In this passage the Doctor means to shew the inconsideration of those “ men
 “ who die with a steadfast denial of crimes,
 of

“ of which it is very difficult to suppose them innocent ;” and well, indeed, is a confession of the truth, at least in regard to adjudged guilt, without reserve and without equivocation, inculcated as a bequest due from dying criminals to the surviving world : for though the erroneous condemnation of a prisoner is possible, (matter as it is of the most poignant regret), yet it is so well guarded against by the excellent mode of our judicial proceedings, that, we trust, such an event, though not uncommonly pretended, is very rare in reality.—But the Doctor’s argument will go somewhat further ; it will evince, not only the expediency of a *confession* of guilt, and consequently of the justice of the “ courts of judicature,” but will prove also the necessity of the sentence therein pronounced being uniformly *carried into execution*. It is said, and must be granted, that more integrity never sat upon our *judgment-seats* than at present. We are happy in the fact ; but, unless the same integrity filled also the *throne of mercy*, the justice of our laws, our boasted form of trial by jury, and the incorruption of our judges, would be rendered abortive, and

we should find ourselves on quicksands, instead of the permanent foundation of solid ground.

Undoubtedly, of all instances of mal-government, there is not one more odious in itself, nor more injurious to the people, than a partial and precarious dispensation of *justice* in criminal cases;—in which, not only *property* (as in others), but *life itself* is at stake. But the degrees of guilt not being discriminated by the law (as it is impossible they can be), which denounces one common punishment upon persons convicted of certain crimes, without any regard to the attendant circumstances, a discretionary power of extending *mercy* is happily lodged in the Crown for the alleviation of that general sentence in peculiar instances; and the right exercise of this power of mercy is of no less importance than the right administration of the law. Both should be alike dispensed without prejudice, partiality, or fluctuation of opinion. The same general fundamental maxims observed on one occasion should, unless discovered to be false, be the rule at another: no temporizing inconsistencies should,

should, on any account, be admitted: but as obvious and strait a line of conduct as possible be exhibited to the public, and invariably adhered to.

Little need be said concerning the magnitude of the crime of Forgery: it is to a man's property what poison or pestilence is to his body; acting with the subtlety of the one, and the merciless ravage of the other: and as no caution can sufficiently guard against it, so no bounds can be prescribed to its ruinous effects, among which a transition from a state of affluence to poverty may be as sudden as dreadful. To prevent so great an offence, the law has, many years since, been made to denounce the most severe punishment known in this land, even that of death, not only against the actual perpetrators of it, but also against accessaries. Thus the persons who forge, and the persons who negotiate, do equally incur the forfeiture of their lives. Notwithstanding this severity, the crime it was intended to suppress is every day more and more heard of, nay (strange to tell!) is even familia-

rizing itself with commerce*; and we have the misfortune to find it accompanied and assisted by the highest ingenuity of the time.

Since, then, Forgery is fraught with the most baneful consequences to the public, and since, from the frequency with which it is detected, we cannot but be exceedingly alarmed at the *apprehension of what yet lies hid*, secretly working iniquity of the most pernicious kind to society, our wonder surely cannot be excited at finding it pursued with determined vengeance. Baker, Gibson, Rice, Ayliffe, the Perreaus, and Davies, are all striking examples of the melancholy fate that attends it; and few have been the instances of mercy extended to persons duly convicted of it; none, perhaps, that have not originated from some peculiarly favourable circumstances. In the case of Capt. Sampson, though his good fortune in having preserved the crew of

* The writer has been assured, that persons are not wanting, who will rather have to do with a note they know to be forged than a true note, because, say they, the forged one—*must be taken up*.

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the Dublin packet was strongly pleaded in his favour, yet the consideration of his youth, (he being under 20 years of age), and (if I mistake not) his ignorance of the capital nature of the crime, might be equally instrumental in procuring him the mercy implored. It should be remarked, however, that the necessity of so strict an enforcement of the laws against forgery was not so manifest then as at present. The late clemency vouchsafed to Mrs. Thomas may be supposed to have sprung also from a consideration of her being a foreigner, and consequently unacquainted with the English laws; together with the other circumstances which on her trial inclined the prosecutor to recommend her to the royal favour. — But it must needs be impossible to point out the precise criterion by which the fitness of an object to receive mercy may be distinguished: it seems clear, however, that all access thereto is precluded from *great* and deliberate offenders. Was not almost every-thing, *commonly* adduced as pleas for favour, urged, and justly urged too, by the friends of the unfortunate Robert Perreau? Nay, did not the admirable defence he made

on his trial render the propriety of the verdict against him so far problematical, as to occasion the delay of the executive power for several months? Yet, notwithstanding the intercession of some of the most respectable characters in the kingdom—notwithstanding the tears of a disconsolate wife and children—and (above all, it must be added) notwithstanding his *innocence* was far from impossible—he was at length ordered for execution—and he died denying his guilt in the most solemn manner human nature is capable of.

After so recent an exemption from mercy, and rigid an adherence to law, what reason could there be to hope that the same crime could possibly fail of meeting with the same fate now? The more flagitious and prevalent a wickedness, the more rigorous and exemplary must be the punishment inflicted, or no reformation is to be expected. Perreau was accounted, and he suffered as, a fit object for a necessary EXAMPLE. Could Dr. Dodd be thought an object *less* fit for EXAMPLE? Let us enquire a little into his claims of exception.

Dr.

Dr. Dodd's guilt was undeniable; and all he could offer in extenuation of it, was a solemn protestation of his having no intention to defraud *ultimately*; that is, in fact, no more than the vague, common-place excuse never omitted whenever it can with any colour be applied. Artfully to *contrive* a fraud, and yet pretend to have *no intention* to defraud, is absurdity in the extreme. To mend the matter a little, the word *ultimately* is commonly subjoined: but unluckily to no purpose; since the law, in cases of forgery, has no idea of an intention to defraud *ultimately*;—it is quite sufficient, if such an intention exist *primarily*. But supposing this plea, if well founded, admissible, what proof was there of its being so in the present instance? The Doctor, indeed, pretended that he should have replaced the money in a short time. But by what means? He informed us of no provision for the purpose;—nor pointed out any *prospect* of his ability to do it. And, without some intelligence of this kind, we cannot but conclude, that the same dissipation which occasioned, would have continued, the distressed state of his pecuniary affairs, and rendered his *intention* of no effect.

It is presumed the reader will not be displeased with the following summary account (as it seems remarkably in point) of the case of Baker, before-mentioned, who was executed for forgery Dec. 31, 1750, and who had far greater reason to depend upon the plea of *having no intent to defraud* than Dr. Dodd.

Mr. William Baker, sugar-baker, was indicted for forging a warrant for East-India goods (the same crime for which Davies lately suffered), with *intent to defraud* Richard Holland, and also for publishing this warrant, *knowing* it to be forged, with *the same intent*.—Mr. Holland having sent the warrant to the East-India-house, to be satisfied of its being genuine, it was detained, and Mr. Baker was apprehended and brought to trial.—Mr. Holland could not depose as to his intention to defraud, but believed he might have been paid the money he had advanced, viz. a thousand pounds, (*as had been the case,*) having Baker's note of hand; but, on the particular question being put to him, owned that he should not have lent the money upon the note alone.

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It was urged by Serj. Hayward, for the prisoner, that it was not proved, either that he *forged* the warrant, or that he *published* it *knowing* it to be forged; but if that was admitted, if there was not also proof of *an intention to defraud*, he could not be found guilty of the crime which the statute designed to punish; because if the words—*with an intention to defraud*—had been left out of the indictment, it could not have been supported by law: but so far from proving this part of the indictment, the witnesses swore that they believed his intention was NOT to defraud. Nor, indeed, can a man intend to defraud a person of his money, when he gives him a note of hand. Baker gave his note as a collateral security for the money borrowed on the warrant, which would at all events bind him to the payment of it; neither was any application made to him for payment, though such application, and a refusal of payment, were absolutely necessary to prove the fraudulency of the intention; for if a man owing money gives security, whether good or bad, and determines to pay the money when due, he cannot surely be said to have had an *intention to defraud*.

Sir Thomas Bootle, in answer, insisted, that when a *forgery* is proved to be *published*, the publisher shall, by construction of law, be deemed a party, if he does not by positive evidence prove the contrary, which in that case was not attempted: for had Baker produced any evidence to prove from whom he had the warrant—that he *came by it* in any *shape whatsoever*—it would have taken out the *sting* of the charge. As to the *intention*, the Council said, to *defraud* and to *take up money* were synonymous terms.—After several other similar positions, he left the prisoner to the jury, who acquitted him of the forgery, but found him guilty of *publishing with knowledge and intent to defraud*.

Gibson, also, we must add, attempted to avail himself of the same ground. He was charged with counterfeiting a writing purporting to be an office-copy of a certificate given by the Accountant-General of the Court of Chancery, with intent to defraud Mr. William Hunt of the sum of 90*l.* 4*s.* 7*d.* and the forgery was fully proved, but it appeared not to have been intended *fraudulently to obtain money*, but

but to *conceal the embezzlement of money lawfully obtained*; or, in other words, the fraud (if converting another man's money to his own use may be so called) first taking place, the forgery, though designed to conceal that fraud, was not devised *with intent to commit it*. The jury brought in their verdict special; and after a space of two years the Judges decided against Gibson, and he suffered accordingly. Perhaps the Judges were biased in their opinion by the circumstance of a second sum's being lodged in Gibson's hands by Mr. Hunt, in consequence of his receiving the forged certificate of the due disposal of the first.—However, Mr. Gibson in the end reaped no more advantage from his quibble, than did Mr. Baker from his note; and one should have thought that these two glaring instances would for ever have silenced all pleas of forging *without intent to defraud*.

Let us now proceed in our Observations upon other pleas of the Doctor and his friends.

Much stress has been laid on the Doctor's

tor's having actually made "complete retribution:—no injury was intended to any man,—none has been sustained by any man:—ample satisfaction was offered, and was accepted." But this retribution was exceedingly ill-timed, happening at the juncture of his apprehension; and it was made with a peculiarly bad grace, being considered by him as a *means of saving his life*; for, in consequence of it, he had (as he himself told us) "the most solemn assurances, the most express engagements, the most soothing and delusive promises from Mr. M——, *that there should be no prosecution.*" But, had this act of restitution been neither ill-timed nor ill-graced, it could not possibly have benefitted the Doctor in the eye of the *law*, which looks at the *commission* of crimes alone; nor would it have justified an extension of *mercy* to him; for if to *him*, it would to *others*;—in which case every great offender would take care to screen himself by the same means, even though this means were the fruits of additional villainy.

—Arguments in behalf of the Doctor
were

were deduced from those former actions of his life which bespoke a charitable disposition towards his fellow-creatures.—But has not Dr. Dodd himself directed us to the true spring of those actions, the subject of so much panegyric? “Being distinguished and elated,” said he, just before he received sentence, “by the confidence of mankind,....I did not consider the danger of *Vanity*, nor suspect the *deceitfulness* of my own heart.”——It will scarcely be condemned as a breach of charity to give the Doctor credit for the truth of this declaration, though it entirely subverts the ideal superstructure that has been raised upon the decayed foundation of *past* virtue. Alas! must the Doctor’s exalted humanity and benevolence be repudiated as spurious? Did he labour for the Recovery of Drowned Persons—Did he preach to penitent Magdalens—Did he raise a fund for the Relief of Insolvent Debtors—actuated by the powerful but delusive incitements of *Vanity*? Lo, then, his boasted merit fails by his own doctrine. On his trial, he told us, that “the moral *turpitude* and intrinsic *criminality* of any action depends, in the
“eye

“ eye of the law, reason, and religion, “ on the *intention* of the person who “ commits it.” This granted, (and who will deny it?) by parity of reasoning, the moral *honesty* or intrinsic *virtue* of any action must depend on the *principle* or *intention* of the person who does it also. If, therefore, the Doctor was influenced through every period of his life by the flattering motives and enchanting blandishments of Vanity,—verily *he had his reward*.—However, what is pleading prior acts of charity in excuse for subsequent fraud, but arguing, that the conferring of benefits at one time, or on one occasion, entitles to the commission of injuries at another?

At the C—— of C—— C—— holden at G——, to consider of the propriety of a proposed address to his Majesty recommending the Doctor to mercy, Mr. W——, in support of it, endeavoured to shew the evil tendency of pushing the full execution of the law in this *singular* case, as it might prejudice the cause of *religion*. He observed, (as the public were told,) “ that the lower orders, which “ formed the multitude of mankind, “ were

“ were already too much disposed to ri-
 “ dicule the *Clergy* ; and he doubted not
 “ but the scoffers would triumph in the
 “ public spectacle of a *Divine*, of rank
 “ and eminence, suffering an ignomi-
 “ nious death.”

The *singularity* of the Doctor's case, however much talked of, being not pointed out, cannot be spoken to here. Nor is it shewn how prejudicial it is likely to prove to the cause of religion. It were to be wished Mr. W. had been a little more explicit in his definition of those persons represented as “ already too much disposed to ridicule the clergy.” Within his description, surely, cannot be included the *middling people* ; tho' such *they* are who make a great part of the “ multitude of mankind,”—at least, as yet, in this kingdom : for the clergy themselves will declare the middling people to be their best friends. The scoffers at them and religion are met with in greater proportion among the *highest* and *lowest* orders. The last, then, it is supposed, are the objects of Mr. W.'s allusion ; but though these may be particularly chargeable with the “ ridicule” here complained of, yet may it not, in a great

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degree, be attributed to the general remissness of the clergy in their duty to this part of their flock?

But, supposing a proneness to “ridicule the clergy” to be universally prevalent, is the evil likely to be remedied by the broaching of a doctrine which tends to exempt *them* from the scourge of the law,—which makes *religion a cloke for unrighteousness*? Was forgery a more venial offence in Dr. Dodd in his sacred capacity than it would have been in him in any other vocation? Let the Recorder answer. Addressing the Doctor previously to his pronouncing sentence upon him, he said, “Your education, abilities, rank in life, and, above all, your *sacred function*, are the circumstances which aggravate the matter, and spread the pernicious effects of the bad example among mankind.”—Nay, the Doctor himself confessed the same, in the speech he had just before made to the Recorder. “I entered upon public life,” said he, “with the expectations common to young men, whose education has been liberal, and whose abilities have been flattered; and, when I became a *Clergyman*, I considered myself
“ as

“ as not impairing the dignity of the order.... Condescend, my Lord, to think, “ if these circumstances *aggravate* my “ crime, how much they must embitter “ my punishment.”——Strange, then, that the Doctor’s friends should produce the very circumstances in *extenuation*, which the Doctor himself acknowledged to be an *aggravation*, of his crime.

But, it seems, “ scoffers would triumph “ in the public spectacle of a Divine, of “ rank and eminence, suffering an ignominious death :”—as if the *commission* of any crime afforded less room for the triumph and obloquy of *scoffers* than the *suffering for it*. Let us observe the event in the present instance. The mere *execution* of Dr. Dodd, will, in a short time, be spoken of but seldom, never be reviled, *because it was just* ; and even his *commission of the forgery* will be mentioned with pity, *because he has suffered for it* : whereas, had he been pardoned, the tongues of *scoffers* would have been let loose indeed at the gross partiality, which they might well have added to the heinousness of the crime, and cast both in the teeth of the clergy, on every opportunity

tunity of taunt. For could the disgrace brought upon the *cloth* be wiped away by countenancing the Doctor with mercy? Surely, dishonour of this kind can only be obliterated by a rigid adherence to the legal prescriptions of justice. This done, the Clergy (such as have not interfered in his behalf) are become possessed of a weapon to repel any attacks of scoffers or others; since, though they could not prevent, they may urge a vindictive punishment for broken laws, even though the violator was a favourite brother. And I rejoice, for the credit of the Bench of Bishops, that they did not (as it was reported they intended) recommend the Doctor to the Royal mercy; as by this negative conduct they manifested a proper abhorrence of the atrocious act he had committed, rightly judging that the more elevated his station of life was, and the greater *light* his shining abilities ought to have afforded mankind, the greater was the reproach brought upon the sacred character, the greater example of transgression he had set the nation, and therefore the more justly he merited the sentence passed upon him, and was unentitled to any interposition of theirs to procure a mitigation of it.

Another motive for the City's presenting a petition recommending Dr. Dodd to his Majesty, was suggested, we are told, by Mr. F—, who argued thus: " That
 " the law respecting forgery was made
 " sanguinary for the benefit of the com-
 " mercial world; that, if the City of
 " London, which was most interested in
 " that law, should express their wishes
 " that it might in so *singular* an instance
 " be dispensed with, his Majesty could
 " have no pleasure in putting an unhap-
 " py man to death, and doubtless would
 " graciously listen to the prayer of the
 " petition; and that he had very good
 " reason to believe a request of this sort
 " would be favourably received."

By this curious reasoning, Mr. F. appears to be of opinion, that *law-makers* may be *law-breakers*; or there is no strength in his argument, even supposing the " law respecting forgery was made
 " sanguinary for the benefit" not of " the
 " commercial world," but of the City of London solely. From the excess of *modesty* here displayed, the public may next expect to hear, that " the City of Lon-
 " don is most interested," not only in

“ the law respecting forgery,” but likewise in those respecting any other crime or matter whatsoever. This, it must be confessed, would be somewhat alarming; because, according to the gentleman’s conclusion, the lives and properties of the *small* remainder of the community would (perhaps too in cases no way *singular*) be in danger or security, just as the good or ill *wishes* of the City of London might chance to preponderate; a tenure rather too precarious to meet with general approbation. For my own part, my *assurance* in the stability of the laws of the land will not hastily be abashed; and I still hope to have reason to depend upon *them* on all occasions, how often soever the City of London may think proper to *express its wishes* to have them suspended or perverted.

But far as the City of London may be interested in the laws respecting forgery, I do not clearly perceive the propriety of their interference in the case now under consideration. I do not plainly see in what *respect* the City was *most interested* in Dr. Dodd’s fraud on Messrs. Fletcher and Peach; nor can I help thinking, that

that forgery is, for the *most* part, committed on persons, in whose losses the City of London (especially in its corporate capacity) has no *more* concern than any other city in the kingdom.

Mr. F. proceeded to inform us, that, when "the City of London should have expressed its wishes that the law respecting forgery might in so singular an instance be dispensed with, his Majesty could have no pleasure in putting an unhappy man to death, and doubtless would graciously listen to the prayer of the petition."

His Majesty must needs be under great obligation to the gentleman, and ready to return him many thanks, for so public a declaration that "he could have no pleasure in putting an unhappy man to death." And, indeed, *now Mr. F. has mentioned it*, it is to be hoped he will not be "*singular*" in his opinion respecting his Majesty's humanity. But as to his graciously listening to the prayer of the petition, doubts must have arisen in the minds of many who might possibly venture to think it proper for his Majesty to pay some regard to the *constitution* of the

State, as well as to the "*wishes*" of the City of London; by the former of which he *unluckily* happens to be under some necessity of *listening* also to the *wishes* of that *uncomplaisant* body the Privy-Council, whose voice, like the verdict of Juries, *must* be entered in the book of Fate.

But it was added, that "there was *good reason* to believe a request of this sort would be very favourably received."

This reminds me of the answer which (let me tell the gentleman) Lord M——d made to the question of a friend of mine, Whether or not he thought Dr. Dodd would suffer?—to which his Lordship very significantly replied, "The City say he will *not*." Is it not likely the noble Earl alluded to this assertion of Mr. F.? —But here, however, if not before, it is certain that Mr. F.'s *reason* left him; and therefore it may seem high time for the *reader* to leave him also.

But what shall we say of the *virtuous* Body Corporate, who resolutely fulfilled the

the *unprecedented* purpose of their assembling?—Ye ingenious practitioners in this *imitative art*, (for so, methinks, forgery should now be termed), congratulate yourselves upon so important an acquisition—banish from your thoughts the mischance of Perreau and Davies—reduce your affrighted countenances to a sweet composure—and triumph in the *kind endeavours* of your new friends the C—— C—— of ——!!!

The chief (if not only) circumstance from which Dr. Dodd could derive any expectation of life, was the questionable-ness of Robinson's evidence; and the unhappy prisoner accordingly laboured to take advantage of it.

“ If,” said he, addressing himself to the Court, “ your Lordship, and gentlemen of the jury, will please to consider the circumstances in which I have been entangled in this transaction, I cannot doubt of your just indulgence to me;—circumstances of *persecution* and *oppression*! For though I acknowledge, with gratitude, the candour which I have experienced in this Court, yet I
“ must

“ must complain of the previous con-
 “ duct, and the steps which brought me
 “ hither. I have been pursued with *op-*
 “ *pressive severity.* Notwithstanding the
 “ most solemn assurances, the most ex-
 “ press engagements, the most soothing
 “ and delusive promises, from Mr. M.
 “ who now appears on the prosecution,
 “ that there should be none, yet I do
 “ now stand in this situation ; and, *what*
 “ *I believe, is an instance unprecedented in*
 “ *matters of this nature, and circumstanced*
 “ *as this is, a prisoner, who was committed*
 “ *with me for the same imputed offence,*
 “ *has been brought up WITHOUT AU-*
 “ *THORITY, and admitted a capital wit-*
 “ *ness against me.*”

From a natural partiality, every man
 feels within him a propensity to exag-
 gerate his own grievances ; and hence it
 was that the Doctor expressed himself in
 such indignant terms with respect to the
 broken promises of Mr. M. It is no
 wonder that gentleman's conduct struck
 the Doctor in the light he has repre-
 sented ;—it seems really chargeable with
 dissingenuity and insincerity ; and perhaps
 no arguments deducible from the regard
 he

he owed to his clients interest will wholly exculpate him. Some people have thought the Doctor wanting to himself, in not making a return of the bond, at the time of his apprehension, a previous condition of retribution; but how could that have been complied with, as information had been before given of the forgery? Dr. Dodd, therefore, erred in exclaiming so acrimoniously against Mr. M. for not *stifling* the matter; but he might (as far as yet appears) with reason have censured him for his insidious *promise* of suppressing it, which Mr. M. knew could not be kept, and of which, indeed, but for the perturbation the Doctor must necessarily have been in, he himself might have discovered the fallacy. To do Mr. M. justice, however, there is room to think, that he was desirous of observing this promise as far as the case would permit. At the first examination into the affair at Guildhall, there was a backwardness to prosecute, in consequence, it may be supposed of the flattering engagement in question: whence the Doctor, as he had made the "complete retribution" required on his part, entertained great hopes

hopes of an immediate discharge. After some demurring conversation, however, in which Mr. M. endeavoured to shift the burthen of prosecuting from his clients to Lord Chesterfield's shoulders, we all know, Mr. Fletcher was called upon by the Lord-Mayor, and necessitated to proceed against the Doctor, who was accordingly forthwith committed.

But, if Mr. M. was in reality averse to the prosecution, how came it to pass, when the day of trial approached, that so hasty a step was taken to obtain Robinson's evidence? There is, whatever be the cause, some degree of mystery in that proceeding, which, it were to be wished, Mr. M. would clear up. However, the competency of Robinson's evidence, *so obtained*, was confirmed by *those* who, no doubt, are *best qualified for such a decision*; and as there is nothing uncommon in the admission of one accomplice (especially if accessory merely) to bear witness against another,—and as, exclusive of Robinson's, there was, apparently a sufficiency of evidency to effect the Doctor's conviction,—there appears no reason either for arraigning the opinion of the Judges, or arresting the sentence of the Law, on that account.

Dr. Dodd is supposed to have had an eye to this transaction in the following quotation from his "Address to his unhappy Brethren;" which denotes a disposition of mind very becoming his situation at the time of its delivery:—

"There is always a danger, lest men, fresh from a trial in which life has been lost, should remember with resentment and malignity the prosecutor, the witnesses, and the judges. It is, indeed, scarcely probable, that, with all the prejudices of an interest so weighty, and so affecting, the convict should think otherwise, than that he has been treated, in some part of the process, with unnecessary severity. In this opinion he is perhaps singular, and therefore probably mistaken."

The petition from the householders, &c. for an extension of the royal clemency to the miserable convict whose case we have been considering, demands some notice. Popular humanity, rightly exercised, is the most honourable characteristic of a state; but it degenerates, when through partial tenderness it becomes productive of general evil,---when at one time it inclines to

to the performance of *that*, which will afterwards give cause of regret.

From the uncommon assiduity with which subscriptions were solicited, it should seem that the Doctor's friends were in hopes of prevailing by *numbers*. —Numbers, indeed, might declare the Doctor's popularity, but could never work any change in the complexion of his case. Supposing the question to be in the least affected by number, it will naturally be asked, *What* number? If no line can be drawn, if no precise number can be fixed upon, then why may not *twenty-five* suffice as well as *twenty-five thousand*? —The futility of the idea is evident. As a matter that *ought* to follow, there could have been no expectation of mercy, had the subscribers been twenty times as numerous.

But neither in the *fitness* of things could the prayer of those petitioners be complied with. *Interest* should not be suffered to influence in cases of life and death; *circumstances*, fairly represented, should alone be considered and have weight: hence, and hence only, can a true judgment be formed of the fitness or
unfitness

unfitness of an object recommended to favour; whereas mercy procured by *interest* will generally be ill-bestowed.

—Witness the case of the K——s!

—It is truly astonishing, that an application arising from so *foul* a cause should be preferred with effect to ——— whose sincere piety and virtue would in any other Christian country entitle him to the appellation of *Saint*.

Mercy for persons convicted of forgery is circumscribed within very narrow bounds, from the *frequency* of its commission. Severity is become absolutely necessary for the public security. At the very time Dr. Dodd's fate was impending, a most alarming discovery was made of a forgery upon the Bank; which is a mischief of the worst species: for the ready currency of Bank-notes, which are universally looked upon as cash, and passed with much less scruple, might have concealed the evil, till, secretly spreading far and wide, it had become the ruin of thousands.

What lenity can be shewn corrupt members of the community, who shall
be

be found capable of practices so inimical and injurious towards it!

In none of the petitions (that have appeared) in behalf of the Doctor, was there to be found a single plea grounded upon any circumstance attending the forgery itself, but for every excitement of compassion reference is made to the transactions of a former period, which, how speciously soever they might apply to the justification of his general character, or however favourably they might operate *in conjunction* with other extenuating circumstances attending the forgery, could not, *of themselves*, be admitted as the *ground-work* of pardon for the premeditated, deliberate commission of it.—The times call so loud for justice, that the cry for mercy cannot easily be heard. Thus, when the petitions from the city and the Society for the Relief of Debtors was read before the Members of the Council, they unanimously resolved not to comply with the prayer of them*: nor could they do

* A most pathetic petition, *written by a very masterly hand*, had been presented to Lord M-----, imploring a change of the sentence of death passed upon the Doctor into that of banishment;—but in vain.

otherwise, without exposing themselves to the reproach of petitioners in favour of former convicts, or giving too great a latitude to future solicitations. The heinousness and frequency of the crime both concurred to fix the Doctor's fate: and, it is to be hoped, that the great, the very great example now given of the sad catastrophe awaiting forgers, which no union of interests can avert, nor prayers deprecate, will not be *given in vain*.

Doctor Dodd was possessed of every qualification to constitute a shining figure in life. His person was captivating; and he paid his court to the *Graces* with an ardour almost equal to that of his renowned patron, the late Earl of Chesterfield. He had a competency of learning, and was inferior to few in point of ingenuity, supported by a ready apprehension and glowing fancy; but the hurry of a volatile course of life afforded little time for application. Seduced by *Vanity*, which ever seems to have been his leading passion, he early associated with the great and gay, and "entered upon public life" (to use his own words) "with the expectations common to young men, whose education has been liberal, and

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"their

"their abilities flattered." Success accompanied his wishes; his "pulpit became popular," whence, though it cannot be presumed that he "taught the truths of christianity with the authority of *innocence*," it is to be hoped he taught them "with the zeal of conviction," as most certainly it was with the flowers and graces of rhetoric and eloquence, of which a rapid flow never failed to excite admiration, notwithstanding some deficiencies might be observable by deep-read minds. But profundity of reasoning was no essential ingredient in sermons calculated for charitable institutions, in which line of preaching the Doctor was chiefly engaged.

Having ingratiated himself with the fashionable world, by which he was caressed to excess, he became intoxicated with its pleasures; and these plunged him into unbounded extravagance, to which he was naturally too much addicted. A long round of dissipation ensued, equally prejudicial to his temporal affairs, and incompatible with his sacred character: all checks and embarrassments from either, though frequent, were but temporary impediments in this wild career. Nothing can

can better mark the giddiness both of the Doctor and his lady than their attempt upon the integrity of the Chancellor. The public were astonished; and the disgrace it brought upon the Doctor, one should have thought, would have roused him to a true sense of his infatuated conduct. But, unhappily, the same preposterous mode of life was pursued, with a degree of levity and profusion that leaves reflection in wonder at its long continuance. The Doctor has given us this sketch of his situation:—"Being distinguished and elated," says he, "by the confidence of mankind, I had too much confidence in myself; and thinking my integrity --- what others thought it --- established in sincerity, and fortified by religion, I did not consider the danger of *Vanity*, nor suspect the *deceitfulness* of my own heart." A more dangerous state is not to be conceived. What was the consequence? Let the unhappy man himself tell:—"The day of conflict came, in which temptation surprised and overwhelmed me! I committed the crime, which my conscience hourly represents to me in its full bulk of mischief and malignity."

Deplorable consequence indeed ! and woe-fully bitter must it have proved to the miserable delinquent, whose lamentation cannot be read without emotion :—“ My sufferings,” said he, “ have been not much less than my guilt. I have fallen from reputation which ought to have made me cautious ; and from a fortune which ought to have given me content. I am sunk at once into poverty and scorn ; my name and my crime fill the ballads in the street ; the sport of the thoughtless, and the triumph of the wicked.” —Alas the unfortunate Divine’s penitence was too late an event to be productive of good to himself in this life ; but let his survivors, particularly his admiring intimates, contemplate, as an antidote to *vanity* and *deceitfulness of heart*, this picture of his fall.

There has been no satisfactory reason assigned for the Doctor’s commission of the forgery for which he has suffered. He himself told us, he did it to procure a temporary supply of money to enable him to satisfy the demands of his tradesmen : but for that purpose he stood in immediate necessity of 300*l.* only,—a sum which he

he could not surely be at a loss to raise with safety, having an income of 800l. a year; and that a person with *such* a revenue could hazard his life for *such* a sum, is irreconcilable with the dictates of common sense.—It has been suggested that a large supply of cash was wanted to carry into execution some engagements he had entered into in France, for a splendid edition of Shakespeare. But the readiness with which an adequate sum would have been subscribed for that purpose, upon the publication of proper proposals, as it would have rendered a recourse to fraud entirely unnecessary, seems to destroy the probability of this being the true motive of it; especially as there appears no reason for the Doctor's not publicly declaring it, if it was so.

A striking change appears in the Doctor's sentiments between the time of his trial and that of his condemnation. At the former, he thus addressed the Court: —“ Your Lordships cannot think that
 “ *life* is now the object of my care.
 “ Loaded with imputed infamy, sunk in
 “ distress, overwhelmed with every sort of
 “ anguish, no one can imagine that I wish
 “ to

" to live. No: I solemnly protest that
 " *death* would be now the greatest blef-
 " sing to me. But I have other ties;
 " which if I were permitted to describe
 " —which I feel so tenderly affixed to
 " my heart—which I know, from the
 " sympathy of humanity, you will feel
 " with me—I have a wife! For twenty-
 " seven years she has lived with me, and
 " blessed me! the brightest pattern of un-
 " paralleled attachment and fidelity! and
 " in this most trying situation her pecu-
 " liar tenderness and anxiety of attach-
 " ment would draw tears of approbation
 " even from the most inhuman."

This affected apostrophe, besides that
 it makes the *knowing* * reader smile, and
 recal to remembrance some particulars
 not much to the advantage of the lady
before her marriage †, but ill agrees with

* Who will not scruple to accuse the Doctor of
 infidelity, in more than one instance, to the lady
 so hyperbolically extolled.

† The Doctor had the first sight of his wife at
 one of the playhouses in town, which he visited
 in an excursion from Cambridge while a student.
 They happened to sit together, and contracted an
 intimacy which in a few days was productive of
 their marriage. His father, upon the discovery of
 it,

the language of the Doctor when about to receive sentence: for *then*, instead of accounting *death* the greatest blessing, but for the sake of his wife, we saw *her* totally banished from his idea, and *himself* imploring *life*, from far different motives, with the most earnest supplications a dread of death could inspire.—After a lively representation of his former prosperity, and the misery of his then situation, he proceeded as follows;

“ It may seem strange, that, remembering what I have lately been, I should still wish to continue what I am. But contempt of death, how speciously soever it might mingle with heathen virtues, has nothing suitable to christian penitence. Many motives impel me earnestly to beg for life. I feel the natural horror of a violent death, and the universal dread of untimely dissolution. I am desirous to recompence the injury I have done to the clergy, to

it, posted to London in high displeasure; but the charms and engaging behaviour of the lady soon converted his prejudice into admiration, and he departed congratulating his son upon the amiable choice he had made.

“ the

“ the world, and to religion; and to ef-
 “ face the scandal of my crime by the
 “ example of my repentance. But, above
 “ all, I wish to die with thoughts more
 “ composed, and calmer preparation. The
 “ gloom and confusion of a prison; the
 “ anxiety of a trial; and the inevitable
 “ vicissitudes of passion, leave not the
 “ mind in a due disposition to the holy
 “ exercises of prayer and self-examina-
 “ tion. Let not a little life be denied
 “ me, in which I may, by meditation
 “ and contrition, prepare myself to stand
 “ at the tribunal of Omnipotence; and
 “ support the presence of that Judge,
 “ who shall distribute to all according to
 “ their works; who will receive to par-
 “ don the repenting sinner; and from
 “ whom the merciful shall obtain mercy.
 “ — For these reasons, amidst shame and
 “ misery, I yet wish to live.”

It is to be hoped that these were the
 Doctor's real sentiments, as being infi-
 nitely more becoming him than the rhap-
 sody above quoted; they do not, however,
 bespeak the feelings of a man the preced-
 ing 30 years of whose life had “ been passed
 “ in exciting and exercising charity; in re-
 “ lieving

" lieving such distresses as he then felt;
 " and in administering those consolations
 " which he then wanted." Such exercise
 of charity, such relief of distresses, and
 such an administration of consolation, as
 are here represented, had the same been
 the fruits, not of *Vanity*, but of genuine
 Christianity, would, doubtless, have dimi-
 nished his "dread of untimely dissolution,"
 and not have left his mind, even amidst
 "the gloom and confusion of a prison,"
 and the other circumstances lamented by
 the Doctor, in so unapt a "disposition to
 "the holy exercises of prayer and self-
 "examination."—But enough of reflec-
 tions of this kind. May the All-merciful
 God have "received to pardon the" (tho'
 late, yet sincerely) "*repenting sinner!*"

THE END.